

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Bassem M. Demian  
Serial No. : 09/716,567  
Filed : November 20, 2000  
Title : Bunion treating device  
Examiner: Shawntina T. Fuqua Art Unit: 3742  
Atty Docket No.: 176746-2

Box Non-Fee Amendment  
Commissioner for Patents  
Washington DC 20231

3742  
#6/A  
DM  
**RECEIVED**

MAR 03 2003

TECHNOLOGY CENTER R3700

**AMENDMENT UNDER 37 CFR 1.111**

SIR:

This paper is in response to the Office Action dated January 7, 2003, having a response due set to expire on April 7, 2003.

**IN THE CLAIMS:**

Cancel claim 22.

**REMARKS**

Claims 1-21 are active. Claim 22 is canceled. Claims 1 – 22 were subject to restriction. Applicant elected the claims of Group II, claims 12 – 22, drawn to a method of correcting an imbalance between two muscles. Claims 1-11 are withdrawn from consideration. Claims 12-21 are rejected under 35 USC 103 as being unpatentable over Hurtado in view of Axelgaard.

Enclosed is a letter to the Official Draftsperson enclosing formal drawings to be substituted for the drawings now in the case. The Office Action states the drawings are acceptable to the Examiner, yet the Office Action includes a form PTO 948 with corrections requested for the same drawings. Therefor it is believed the drawings presently are not acceptable. Substitution is respectfully requested of the enclosed drawings.

Applicant traverses the rejection of claims 12-21. Claim 12 is directed to a method